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THE HOUSE: 1986

A SUMMARY OF LEGISLATIVE ACTIONS

GOVERNMENT DOCUMENTS
COLLECTION

JUN 22 1987

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Massachusetts House of Representatives



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1986 SESSION STATISTICS

TOTAL BILLS

House No.	6580
Senate No.	2242

TOTAL CHAPTERS

Acts	712
Resolves	11

HOUSE OF REPRESENTATIVES

Total Adverse Reports Accepted	1286
Total Bills Rejected	35

THIRD READING

Total Bills ordered to a Third Reading	941
Total Reported	834
Matters Remaining	97

Total Bills Passed to be Engrossed	834
Total Bills Enacted	707

ROLL CALL VOTES

A total of 559 roll calls were ordered, of which 43 were quorum roll calls.
75 roll calls required under various constitution provisions.

NOTABLE LEGISLATIVE ACHIEVEMENTS

STATE BUDGET

Total: \$9.88 billion.

Includes:

- \$353.2 million record funding for the Commonwealth's pension system, aimed at reducing the unfunded pension liability.
- \$60 million in special State revenue sharing aid to assist the cities and towns of the Commonwealth to help offset projected losses in Federal program funding.
- \$90 million for the immediate repair of certain state-owned buildings and facilities in danger of further deterioration.
- \$760 million for the Dept. of Mental Health, an increase of 15 percent over Fiscal 1986. (Note also Chapter 599 by which DMH will be divided into separate agencies serving, specifically, Mental Health and Mental Retardation).
- \$8.6 million for the "Healthy Start" program to provide pre-natal and post-partum medical care for uninsured women in the near-poor category.
- Welfare benefits increased by approximately 14 percent.
- \$5 million increase in Elderly Property Tax Abatements.
- \$180 million in new local aid to be distributed through a revised "needs based" formula.
- \$48 million in continued funding of 1985 Education Reform Act.
- Additional \$30 million in Equal Education Opportunity Grants to assist lower spending school districts in moving closer to statewide per pupil average expenditure.
- Additional \$17 million in scholarship assistance making 1986-87 school year scholarship total \$75 million.
- Ronald E. McNair Education Opportunity Program funded at \$3.6 million to assist disadvantaged students through a wide range of college-preparation initiatives.
- \$9.2 million in new public library programs.
- \$8.5 million in Massachusetts Housing Partnership Fund to extend new home ownership opportunity to qualifying moderate income households.
- An 8,450 unit increase in various affordable housing opportunities.
- \$700,000 in expansion of ET welfare job skills training.
- \$2.3 million to add 100 new State Police Troopers.

- \$1 million added to Dept. of Environmental Quality and Engineering to strengthen hazardous waste clean up program.
- More than \$15 million in special programs aimed at various categories of homeless.
- \$2.1 million to extend home care support services to 1,069 new elderly clients. (New total 44,969 clients).
- \$1.7 million, doubling State funding for AIDS research, services, and preventive efforts.
- \$380,000 to establish services for Viet Vets suffering from post-traumatic stress disorder.
- \$5 million to fund reforms in Worker's Compensation system.
- \$12.5 million for continued expansion of community services for retarded clients.

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MEDICAL MALPRACTICE ACT - (Chapter 351)

A multi-faceted reform law aimed at making physicians malpractice insurance more affordable by improving the identification and discipline of incompetent doctors. Provisions include strengthening the Board of Registration in Medicine with additional staff, subpoena power, disciplinary rights, and establishment of a physician's misconduct data bank. A seven year statute of limitations is set on most malpractice claims and a \$500,000 cap is set for most pain and suffering judgements. Attorney's fees set on sliding scale. Physicians insurance to include a merit system under which doctors never sued will qualify for reduced premiums.

--

THE SAFE ROADS ACT OF 1987 - (Chapter 620)

Massachusetts joins 41 other states in implementing a "per se" provision in its anti-drunk driving laws, part of a tough new crackdown on drunk driving. Under the per se rule, a driver will have his or her license suspended almost immediately for 90 days if registering .10 or greater on an alcohol breath test. Refusal to take a "Breathalyzer" test results in an automatic 120 day loss of license. Other new provisions include a prison term of from one to 15 years for vehicular homicide; a 45 to 90 day suspension for first time drunk drivers; mandatory jail of from seven to 14 days for second offenders; increased license suspension terms for under-21 offenders as well as creation of special new alcohol education programs for such offenders. Mandatory 10 year license revocation for vehicular homicide while operating under the influence. Lifetime revocation for a second vehicular homicide whether operating UI or not. Increased penalties for operating after losing license. Persons injured in a drunk driving accident allowed to receive victims' compensation.

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HAZARDOUS WASTE INSOLVENCY FUND - (Chapter 10)

Creates a special pool from which to pay injury claims stemming from the escape of pollutants from a licensed site if the company losing the claim is unable to satisfy the judgement through adequate insurance. Money for the fund is raised by an assessment against licensed hazardous waste generators.

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MENTAL HEALTH DEPARTMENT REORGANIZATION - (Chapter 599)

In an effort to differentiate care and improve services to separate client groups -- people with lifetime disabilities and people with chronic illnesses -- the Department of Mental Health is reorganized by dividing it into separate agencies: Mental Health and Mental Retardation. Aim is to better focus and thus improve care and the efficient delivery of services to these separate and distinct groups. (In 1986, prior to split, DMH had a budget of approximately three-quarters of a billion dollars with some 20,000 employees, the largest staff in state government).

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PRISON FACILITIES EXPANSION (Chapter 658)

An appropriation of \$213 million to fund a program which will increase the Massachusetts prison capacity by 2,000 beds, bringing a total capacity at state prisons and county houses of correction to 11,562. Action taken as state's prison population tops the ten thousand mark for the first time in history. Projects include \$72 million for 1,000 medium security beds at MCI-Shirley and New Braintree; \$58 million for a new Suffolk County House of Correction; \$51 million for a new Hampden County jail and House of Correction; and an additional \$14.7 million for a new Suffolk County Jail.

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AUTO INSURANCE RATE SETTING (Chapter 622)

Shifts the burden of proof in the determination of higher auto insurance premiums onto the insurance companies, enabling the State Insurance Commissioner to set rates in accordance with "reasonable" costs of doing business. Previously used actual costs could be inflated by inefficiency, thus leading to higher rates for motorists.

--

INCOME TAX SURCHARGE REPEAL - (Chapter 488/Chapter 577)

A \$135 million tax cut effected by the repeal of the 11-year-old state income tax surcharge. Average taxpayer savings of \$100 per person estimated. Tax cut made retroactive to January 1, 1986. Chapter 488 also establishes a limit on state tax revenue, provides for a tax reduction fund, establishes a stabilization fund, increases exemptions for non-working spouses and dependent children, and provides for favorable tax treatment of Subchapter S corporations. Chapter 577 was a technical change to a tax repeal ballot question which, as passed, would have eliminated the surtax over a two-year period. This second chapter made the Question 3 tax cut effective on the January 1, 1986 date set in Chapter 488.

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SIGNIFICANT NEW LAWS

BANKING

CHAPTER 25

PROTECTION FOR CONSUMERS OBTAINING MORTGAGES

Provides protections for consumer obtaining mortgages on residential real estate in the areas of tax escrow account interest, charging of points and redlining.

CHAPTER 62

ELECTRONIC BRANCHES OF CERTAIN FINANCIAL INSTITUTIONS

Allows the use of electronic branches of banks to solicit additional bank business provided that the electronic branch is located at an office of the bank.

CHAPTER 530

REGULATING FINANCE CHARGES UNDER THE CONSUMER CREDIT LAW

Brings the retail installment sales of new or used motor vehicles and retail installment sale agreements for goods and services into compliance with the "Truth-in-Lending" statute.

CHAPTER 569

SAVINGS BANK LIFE INSURANCE

Increases the amount of savings bank life insurance which can be sold to an individual policy holder from \$60,000 to \$250,000. Also, it permits the sale of group life insurance to depositors of SBLI banks, provided that such depositors are residents of the Commonwealth.

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BUSINESS

CHAPTER 238

REQUIRING THE COMMISSIONER OF REVENUE TO INCLUDE UNEMPLOYMENT TAXES ON CERTIFICATES OF GOOD STANDING

Requires the certificate issued by the Commissioner of Revenue to make it plain that the former owner's obligations to the Employment Security Fund are not included in this certificate of good standing.

CHAPTER 429

REGULATING THE SALE OF MAGNIFYING GLASSES

Allows the retail sale of simple, ready to wear magnifying eyeglasses without a prescription from a doctor or optometrist.

CHAPTER 585

ESTABLISHING A PROGRAM TO ASSIST SMALL BUSINESSES

Establishes a small business loan program for businesses affected by transportation activities of the MBTA. These funds may be used for either capital or operating costs.

CHAPTER 588

PROHIBITING SEXUAL HARASSMENT

Provides guidelines that will help speed the processing of sexual harassment cases through the M.C.A.D. It also clarifies the law making it explicit that sexual harassment is a reason to leave a job and still be eligible for unemployment benefits.

CHAPTER 644

LIMITING THE LIABILITY OF DIRECTORS OF CORPORATIONS

Allows stockholders to choose whether or not to include a provision in the Articles of Incorporation limiting or eliminating the personal liability of Directors for many damages.

CHAPTER 706

REGULATING THE REMOVAL, CONTAINMENT OR ENCAPSULATION OF ASBESTOS

Directs the Department of Labor and Industries to monitor, inspect and investigate all work involving the use or handling of asbestos; requires licensing and training of employees.

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CITIES and TOWNS

CHAPTER 18

PURCHASING AGENTS IN CITIES AND TOWNS

Purchasing agents in cities and towns are required to competitively bid all contract for supplies in excess of one thousand dollars.

CHAPTER 20

CONSOLIDATION OF BONDS AND NOTES ISSUED BY CITIES AND TOWNS

Deletes the requirement for the designation of debt limit on a consolidated municipal purpose bond. It also requires the treasurer of a community to forward a copy of the records pertaining to a consolidated issue to the Bureau of Accounts.

CHAPTER 63

INCREASING THE LIMIT ON RECREATION AND PARK SELF-SUPPORTING SERVICE REVOLVING FUNDS.

Increases the maximum amount allowed in such fund from five thousand dollars to ten thousand dollars.

CHAPTER 119

ESTABLISHMENT OF CAPITAL PLANNING COMMITTEES IN TOWNS

This legislation allows any town by-law to establish a capital planning committee at its town meeting. Annually, the committee will review the capital improvement programs and proposals and make recommendations to the appropriate department.

CHAPTER 122

EXEMPTING THE PURCHASE OF CERTAIN TEXT BOOKS FROM BID REQUIREMENTS IN CITIES AND TOWNS.

Provides that cities and towns are exempt from competitive bidding procedures for the purchase of textbooks.

CHAPTER 194

AUTHORIZING A CITY OR TOWN TO ESTABLISH A SCHOLARSHIP FUND

Cities and towns may now implement a "checkoff" on property tax bills allowing taxpayers to voluntarily contribute to a local scholarship fund. The sum pledged would increase the amount of taxes otherwise due. The local scholarship fund would provide educational financial aid to residents of that city or town.

CHAPTER 197

PROVIDING FUNDS TO ESTABLISH PROGRAMS AND OTHER SERVICES FOR ABUSED WOMEN

Permits the funding of programs that provide services to abused women.

CHAPTER 200

EXEMPTING CERTAIN RESIDENTIAL IMPROVEMENTS FROM PROPERTY TAXATION

In any city or town which accepts this act, this "in-law apartment exemption" excludes from property tax assessment the improvements made to residential property that are necessary to house a person at least sixty years old who does not own the property. The housing authority must certify each year that such improvements are necessary to house a person at least 60 years old. The exemption terminates when the premises are no longer occupied by the elderly person.

CHAPTER 203

RELATIVE TO FEDERAL GRANTS FOR EDUCATIONAL PURPOSES

Requires that communities must make payments requested by the school committee to anyone rendering services or supplying goods under an approved federal grant within 10 days.

CHAPTER 240

IMPROVING THE PROCEDURE FOR FILING A HOME RULE CHARTER ADOPTION OR REVISION PETITION

Requires the petitioner to notify the board or registrars, in writing, that the filing of signatures gathered for a home rule charter question is completed. This is an attempt to create a definitive date for computing the time period. In the event that various sheets are filed on different dates, the petitioner will have to declare the filing complete.

CHAPTER 306

AUTHORIZING CITIES AND TOWNS TO ESTABLISH REVOLVING FUNDS

Authorizes cities and towns to establish certain revolving funds to be known as enterprise funds. These funds are limited to receipts from municipal utility, health care, recreational or transportation facilities. Such receipts may be kept separate from the general fund by the treasurer, and may be used for future capital expenditures.

CHAPTER 356

RELATIVE TO THE USE OF FREE CASH IN CITIES AND TOWNS

Requires the assessors report the amount of free cash to the board of selectmen in a town, town council in a town without a town meeting and the city council in a city. This money shall be subject to appropriation.

CHAPTER 361

RELATIVE TO THE BENEFITS FOR SURVIVING SPOUSES AND SURVIVING MINOR CHILDREN OF POLICE OFFICERS AND FIREFIGHTERS KILLED IN THE LINE OF DUTY

Provides a total property tax exemption on real estate owned and occupied by a surviving spouse or surviving minor children of a police officer or firefighter killed in the line of duty. The surviving spouse must not be remarried.

CHAPTER 391

AUTHORIZING ESTIMATED TAX PAYMENTS IN CERTAIN CITIES AND TOWNS

This chapter authorizes any city or town undertaking a general revaluation scheduled for completion prior to February 1987 to issue estimated tax bills for the first half of fiscal year 1987. The estimated bill may not exceed fifty percent of the tax due in fiscal year 1986. With the consent of the commissioner of revenue, however, the estimated tax bill may exceed fifty percent of the total fiscal year 1986 tax bill by fifty percent of an abatement granted in fiscal year 1986 that's not applicable in fiscal year 1987. The tax bills have the full force of law. Any exemptions or adjustments applicable from the date that the estimated tax bill is issued shall be applied once the tax rate is certified.

CHAPTER 406

RELATING TO THE SALE OF BONDS AND NOTES ISSUED BY
CITIES, TOWNS AND DISTRICTS

Enables communities to sell their bonds, notes or certificates at not less than 98% of their face amount. This permits up to a 2% discount on the purchase price of the bond or note.

CHAPTER 471

FURTHER REGULATING PROCEDURES FOR A SPECIAL PERMIT
GRANTING AUTHORITY

Provides that the special permit granting authority shall file a detailed record of its proceedings with the town clerk within fourteen days of such proceedings and shall send notice of the decision to the petitioner, parties of interest and any other person who requests that notice be sent to him.

CHAPTER 491

FURTHER REGULATING PUBLIC EMPLOYER SELF-INSURANCE GROUPS

The Commonwealth's guarantees to pay the losses of a public employer self-insurance group in the event that the group's loss fund and accumulated surplus contributions are insufficient to meet such losses. The state's guarantee is essential as it enables municipalities to pool their resources in order to obtain liability insurance.

CHAPTER 562

ALLOWING THE OVERRIDE OF PROPOSITIONS 2½ TO PAY FOR
CAPITAL EXPENDITURES

Allow cities and towns to assess taxes in excess of their 2½ levy limit for capital outlay expenditures. Municipalities will have some fiscal flexibility and be able to fund capital improvements more economically by avoiding bonding and expensive delays.

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CONDUCT OF PUBLIC OFFICIALS

CHAPTER 12

FURTHER REGULATING THE CONDUCT OF PUBLIC OFFICIALS

Restored the powers of the State Ethics Commission to enforce the Conflict of Interest Law of the Commonwealth of Massachusetts.

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CONSUMER PROTECTION

CHAPTER 81

REPORTING STOLEN, LEASED OR RENTED MOTOR VEHICLES

Permits the individual who has rented or leased an automobile, that is subsequently stolen, the option of reporting said theft in the community where the theft occurred, or the community in which the vehicle was rented.

CHAPTER 210

A RATE FOR DIRECTORY ASSISTANCE

Permits ten free directory assistance calls per month. Charges would not apply to visual or physical handicapped.

CHAPTER 237

PROHIBITING TWO-WAY MIRROR AND ELECTRONIC CAMERAS IN DRESSING ROOMS

Prohibits the use of any device that is capable of showing a person inside a dressing room in a retail clothing store.

CHAPTER 293

A JEWELER'S ONE YEAR LIEN

Requires that a statement be printed on a consumers receipt that goods must be claimed within one year or be subject to sale.

CHAPTER 363

FURTHER REGULATING BUSINESS PRACTICES

Provides the consumer added protection by repealing the requirement that both parties to a business transaction must have a place of business in Massachusetts.

CHAPTER 419

CONSUMER LEASES

A lease contract must identify all property as new or used and set out all amounts and methods of payments.

CHAPTER 468

REGULATING HEALTH SPA CONTRACTS

Increases to \$100,000 the bond amount a Health Club must have if it sells contracts.

CHAPTER 489

ESTABLISHING MINIMUM ENERGY EFFICIENCY STANDARDS

Requires that refrigerators, freezers, water heaters, showerhead and fluorescent ballasts meet or exceed minimum standards of energy efficiency. Savings to consumers are estimated to be in excess of \$750 million by the year 2000.

CHAPTER 503

TELEPHONE RATES FOR AREA CODE 508

Consumers in the 508 Area cannot be assigned a rate, fare, or toll different than the present 617 Area Code.

CHAPTER 663

STOPPING AUTOMATIC TELEPHONE CALLS

Permits a telephone subscriber to stop automatic telephone calls by notifying the Telephone Company.

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CRIMINAL JUSTICE/JUDICIARY

CHAPTER 145

PROHIBITING MINORS FROM TESTIFYING IN A CRIMINAL PROCEEDING

Prohibits obtaining testimony from a child against a parent in a criminal proceeding.

CHAPTER 159

PROHIBITING THE COUNTERFEITING OF WILDLIFE TAGS AND SEALS

Statutorily prohibits the use of counterfeit tags and seals on dead animal carcasses.

CHAPTER 160

AN ACT FACILITATING INTERSTATE NATURAL RESOURCE PROTECTION

Expands the arrest authority of the Department of Fisheries and Wildlife relative to the illegal taking or killing of an animal outside of the state.

CHAPTER 187

INDECENT ASSAULT AND BATTERY OF A CHILD UNDER FOURTEEN

Adds to the current law by providing punishment for indecent assault and battery on a child under age fourteen.

CHAPTER 212

PROHIBITING THE SALE OR POSSESSION OF CERTAIN ELECTRICAL WEAPONS

Prohibits the sale or possession of so-called "stun guns".

CHAPTER 234

THE NAME OF A RAPE VICTIM MAY BE WITHHELD FROM PUBLIC DISCLOSURE

Provides that the identity of a person allegedly raped which is disclosed in any court or police record will not be deemed a public record and shall be withheld from the public except with the consent of a court order.

CHAPTER 328

IMPROVED LAW ENFORCEMENT IN CONNECTION WITH MARINE FISHERIES LAWS

Provides the Division of Marine Fisheries more flexibility in dealing with marine law violators. The law grants court greater discretion regarding suspension or revocation of the violator's commercial fishing license.

CHAPTER 420

RIGHTS AFFORDED CERTAIN VICTIMS, WITNESSES OR FAMILY MEMBERS IN CRIMINAL CASES

Authorizes the court to forward victim impact information to a parole board.

CHAPTER 486

LIMITING THE PAROLE ELIGIBILITY OF PRISON ESCAPEES

An individual who "escapes from prison" or "attempts" to escape from prison now must serve two-thirds of their sentence before being eligible for parole.

CHAPTER 492

PROTECTING THE RIGHTS OF ABUSED INDIVIDUALS

Grants "Domestic Victims Violence Counselor" the privilege to refuse to testify about communications between themselves and abuse victims.

CHAPTER 504

EXTENDING IMMUNITY IN ARSON INVESTIGATIONS

Permits police, fire departments and other appropriate law enforcement agencies access to insurance records of cases involving a loss due to a fire of suspicious or incendiary origins.

CHAPTER 537

ESTABLISHING A ONE-TRIAL SYSTEM FOR CRIMINAL CASES IN THE DISTRICT COURT DEPARTMENT

Eliminates the current procedure whereby an individual can have a trial before a judge and one before a jury. The individual must choose one or the other. It will be implemented on a pilot basis in Essex and Hampton Counties.

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DOMESTIC/NON-DOMESTIC ANIMALS

CHAPTER 123

REGULATING THE DUTIES OF DOG OFFICERS

Requires dog officers to give their city/town clerk a copy of their records relating to any dog in their custody.

CHAPTER 131

EXEMPTING VETERINARIANS FROM CIVIL LIABILITY

Exempts veterinarians from civil liability or hospital expenses for emergency care or treatment for all animals, both wild and domestic.

CHAPTER 157

MALICIOUS KILLING OR POISONING OF ANIMALS

Further protects domestic animals from malicious killing or poisoning.

CHAPTER 175

REGULATING THE RETAIL SALE OF DUCKLINGS

Increases the quantities in which baby ducks and chickens can be bought or sold for commercial breeding and raising.

CHAPTER 201

LICENSING CONTROL AND REGULATION OF DOGS

Enables County Government to establish rules and regulations relative to the licensing and keeping of dogs.

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EDUCATION

CHAPTER 118

TEACHER RESIDENCY REQUIREMENTS

Eliminates all residency requirements for teachers, does not apply to superintendents, associates or assistant superintendents.

CHAPTER 195

THE TEACHERS' LOYALTY OATH

Repeals the law requiring professors, instructors or teachers to take a loyalty oath.

CHAPTER 346

THE SCHOOL BREAKFAST LAW

Public schools with a high number of needy children must provide a school breakfast program.

CHAPTER 409

DESIGNATING THE MASSACHUSETTS TEACHER INCENTIVE PROGRAM

Renamed the teacher incentive program the "Christa McAuliffe Teacher Incentive Program". Established in 1985 the program provides grants to pay tuition and fees to higher education students who agree to teach for a specific period in a public school in Massachusetts.

CHAPTER 411

REGULATING THE ADMISSION OF MUNICIPALITIES TO A VOCATIONAL REGIONAL SCHOOL DISTRICT

Member communities of a regional vocational school district may by a two-thirds vote change their acceptance policy of new member communities.

CHAPTER 412

CLASS SIZE IN COLLECTIVE BARGAINING

Establishes class size as a mandatory subject of collective bargaining.

Expands the membership of school improvement councils by adding a third parent to serve on each council. For councils serving school buildings with grades 9-12, one student shall serve on the council. Councils shall also include an additional parent, teacher, and student for every 500 students beyond a school population of 2500.

Also, the law allows qualified individuals who have been awarded a bachelor's degree from an accredited undergraduate institution but does not meet existing certification requirements to teach in the public schools for two years.

The law also increases the membership of the special commission on teaching and charges this commission to study the conditions of the teaching profession.

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ENVIRONMENTAL

CHAPTER 43

DEFINING MUNICIPAL COORDINATOR

Expands the definition of municipal coordinator, under the "Right to Know" statute to include a qualified resident as well as fire chief, fire commissioner, public health official, the mayor, city or town manager or board of selectmen. A municipal coordinator is one who investigates any claim of hazardous or toxic substances in his community.

CHAPTER 216

PROTECTING WILDLIFE UNDER THE WETLANDS PROTECTION ACT

Statutorily adds wildlife habitat as a protected interest under the Wetlands Act.

CHAPTER 348

COASTAL PROTECTION OF THE COMMONWEALTH

Protects the public's rights and interest in the Commonwealth tidelands. In addition, it provides the necessary security required by lending institutions in order to finance coastal development projects.

CHAPTER 349

PROVIDING FOR THE DEVELOPMENT OF FACILITIES WITHIN BOSTON HARBOR FOR THE LOBSTER FISHING INDUSTRY AND FURTHER PROVIDING FOR THE REVITALIZATION OF THE EAST BOSTON PIERS PROPERTY

Provides for the creation of a MDC-owned and operated waterfront park and a permanent facility for the Boston Harbor lobster fleet, along an unused portion of the East Boston waterfront currently owned by the Massachusetts Port Authority, known as Piers 1-5.

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HANDICAPPED

CHAPTER 642

STRENGTHENING THE ARCHITECTURAL ACCESS BOARD

Requires Board to provide technical assistance and training to professional groups, public officials and state agencies.

Authorizes Board to set specific conditions and deadlines for compliance and permits the Board to impose up to a \$1,000 fine for access violations.

CHAPTER 655

ESTABLISHING A DISABLED PERSONS PROTECTION COMMISSION

Establishes a three member commission within but not subject to the control of the Executive Office of Human Services.

Its purpose is to provide for the investigation and remediation of instances of abuse of disabled persons.

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HEALTH CARE

CHAPTER 69

NURSING HOME OMBUDSMAN SHALL HAVE ACCESS TO THE RECORDS OF CERTAIN PATIENTS.

Enables the State Nursing Home Ombudsman to examine the records of a resident of a long term care facility when a complaint situation exists.

CHAPTER 82

REGULATING THE DISPENSING OF CONTROLLED SUBSTANCES

Permits all clinics funded by the Department of Public Health to dispense prescription drugs that are non-addictive

CHAPTER 107

EXTENDING RIGHTS OF PATIENTS WHO ARE REFUSED CARE

A medical facility that refuses to treat a patient due to their inability to pay is responsible for the safe transfer and treatment of the patient to another facility.

CHAPTER 109

FURTHER REGULATING THE SALE OF HEARING AIDS

Permits audiologists to sell hearing aids, but they must make their clients aware of all costs involved.

CHAPTER 241

PROVIDING FOR THE CONFIDENTIALITY OF "AIDS" TESTS

Prohibits hospitals, clinical laboratories and physicians, whether in their office or in a health care facility from testing for the HTLV-III Virus without first obtaining an individuals written informed consent.

CHAPTER 249

REQUIRING PHARMACEUTICAL COMPANIES TO INCLUDE PRENATAL CARE INFORMATION

Directs the Department of Public Health to adopt regulations to require all self-diagnosis pregnancy test kits sold in the state to contain educational information on the importance of prenatal care, and proper nutrition within its instructional brochures.

CHAPTER 360

AUTHORIZING ANATOMICAL GIFTS TO TAKE EFFECT PRIOR TO DEATH

Requires acute care hospitals to implement a program informing patients' families of the opportunity to authorize an anatomical gift.

CHAPTER 380

PROVIDING FOR REIMBURSEMENT BY INSURANCE COMPANIES AND OTHERS FOR SERVICES PERFORMED BY CERTIFIED CLINICAL SPECIALISTS IN PSYCHIATRIC AND MENTAL HEALTH NURSING

Expands insurance companies' mandated mental health out patients benefits to include coverage of diagnostic, consultative, or treatment services of certified specialists in psychiatric and mental health nursing.

CHAPTER 410

PROHIBITING PERSONS FROM IMPERSONATING EMERGENCY MEDICAL TECHNICIANS

It is illegal to impersonate or falsely use the title of Emergency Medical Technician. Violation of this law is punishable by a fine and or a jail term.

CHAPTER 529

FURTHER REGULATING THE TREATMENT OF CERTAIN MENTALLY ILL PATIENTS

Clarifies the law governing the use of seclusion and restraint at mental health facilities. Several provisions focus on minors placed in restraints and require that they be examined within fifteen minutes of the order by a physician, registered nurse, or certified physician assistant; and within an hour by a physician. Minors shall not be secluded for more than two hours in any twenty-four hour period. Other provisions state that an order for restraint shall be valid for up to three hours and that, except in emergency situations, each person kept in restraint must have a specially trained person in attendance.

CHAPTER 531

ESTABLISHING AN ADVISORY COMMISSION OF RADIOLOGIC TECHNOLOGISTS

Creates a nine member advisory commission within the Department of Public Health which is responsible for licensing persons practicing as radiologic technologists. Applicants for licensure will be required to meet certain clinical and educational criteria and pass an examination. The law is effective January 1, 1988.

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INSURANCE

CHAPTER 188

PROTECTING THE CONFIDENTIALITY OF PATIENTS RECEIVING HEALTH CARE

Further protects the confidentiality of patients receiving health care. Providers need written, informed consent of a subscriber to disclose acquired information and said consent may not be coerced.

CHAPTER 333

REGULATING THE AMOUNT OF INTEREST INSURANCE COMPANIES MAY CHARGE

Requires insurance companies which accept payments of motor vehicle insurance premiums in installments to calculate the interest charge only on the unpaid balance due as of the billing date.

CHAPTER 546

LIMITING THE AMOUNT OF FIRE INSURANCE

Prohibits banks, lending institutions, mortgage companies or any other mortgagees from requiring a mortgagor to carry property insurance which exceeds the replacement cost of the buildings subject to the mortgage.

Requires insurance companies to pay interest on refunds of overpayments of estimated automobile insurance bills.

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MISCELLANEOUS

CHAPTER 30

LOYALTY OATHS FOR PUBLIC EMPLOYEES

Repeals the 1949 law requiring public employees to swear a loyalty oath.

CHAPTER 217

RELATIVE TO THE COMPENSATION OF STATE MANAGERS

Represents a comprehensive overhaul of the pay plan governing the Commonwealths state agency managers. Provides for a two year upgrading of the current management salary schedules, and instructs the Department of Personnel Administration to devise a supplemental merit pay system to be implemented through the fiscal year 1988 budget cycle.

CHAPTER 222

REGULATING THE FUNDING OF GOVERNMENTAL COLLECTIVE BARGAINING AGREEMENTS

Helps to streamline the latter stages of the collective bargaining process, by requiring the Board of Regents, Trial Court, and State Lottery Commission to attach all necessary personnel schedules when submitting contract funding requests to the legislature.

CHAPTER 230

THE REPORTING OF CERTAIN CHILD ABUSE CASES

Requires child care workers in day and residential facilities funded or licensed by the state to report child abuse and neglect cases. It further provides certain protection to the individual making such report.

CHAPTER 233

PROHIBITING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT BONDS

Prohibits the issuance of industrial development bonds to companies doing business in South Africa.

CHAPTER 265

REQUIRING AUTOMATIC SPRINKLERS IN BOARDING HOUSES

This local acceptance statute would require the installation of automatic sprinklers in accordance with the building code in all "boarding or lodging houses where six or more persons are harbored".

CHAPTER 277

REGULATING THE CONDUCT OF DOG RACING

This law restructures the greyhound racing industry -- establishes Massachusetts Greyhound Breeding Program, gives the Racing Commission the authority to guarantee access for locally bred greyhounds, creates a capital improvements trust fund and a promotional trust fund, extends dog racing regulations through 1990, increases dog racing dates in Bristol County and Suffolk Downs, disallows Wonderland from running a matinee if Suffolk Downs runs a matinee the same day, changes the takeout structure, allows dog tracks to apply for additional dates and creates a special commission to study the disposition of retired or non-qualified racing greyhounds.

CHAPTER 310

IMPROVING THE COLLECTION OF CHILD SUPPORT

This measure improves child support enforcement procedures by designating the Department of Revenue as the central child support agency. The agency can make income assignment automatic unless the courts, citing good cause or agreement of the parties, determines it should be suspended. It further makes paternity a civil, as opposed to a criminal matter and permits blood tests to be admitted into evidence in paternity suits.

CHAPTER 345

REGULATING CAMPAIGN CONTRIBUTIONS

Provides that candidates for state representative or senator, and each candidate for federal and statewide office must disclose the name and address of every contributor who gave fifty dollars. It further requires the names and addresses of all contributors including those under fifty dollars be kept at least six years.

CHAPTER 466

PROMOTING THE CONSERVATION AND WISE USE OF ENERGY

Requires utilities to submit their conservation and load management plans to the Energy Facility Siting Council along with their plans for more traditional generating plants.

CHAPTER 481

ESTABLISHING CERTAIN STANDARDS FOR THE ISSUANCE OF FIREARMS LICENSES

Chapter 481 makes the following changes in the licensing procedure for the issuance of a license to carry (LTC) firearms.

1. Applicants for a license or a renewal of a license must be notified by the licensing authority in writing within 40 days of submitting application.

2. Licensing authority may make inquiries to the Dept. of Mental Health regarding applicant's history of any mental, psychiatric, or psychological problems.

3. Requires standard application form statewide. (presently local chiefs draft their own).

4. A license to carry machine guns may only be issued to a firearms instructor or a collector of firearms.

CHAPTER 517

COST OF LIVING ADJUSTMENTS FOR CERTAIN RETIREES

Increases the base to which cost-of-living adjustments are applied for retired public employees. Raises the amount from \$8,000 to \$9,000.

CHAPTER 520

ESTABLISHING A PAY PLAN FOR CHIEF PROBATION OFFICERS OF THE TRIAL COURT

Establishes a classification and pay plan for Trial Court's Chief Probation Officers which will prevent the reoccurrence of the dilemma currently facing the Chief's where they are earning less than the collective bargaining probation officers they supervise.

CHAPTER 617

TRAINING FOR LAW ENFORCEMENT PERSONNEL

Requires the Massachusetts Criminal Justice Training Council to establish a program to train law enforcement officers in handling domestic violence complaints.

CHAPTER 633

AUTOMATIC SPRINKLERS IN BUILDINGS

Requires the installation of automatic sprinklers in buildings over 70 feet in height.

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SCHOOL BUS SAFETY

CHAPTER 246

THE TEACHING OF SCHOOL BUS SAFETY PRACTICES

Requires that all pupils receive classroom instruction in safe riding practices at least three times each school year. In addition, all pupils shall participate in at least two on-bus emergency evacuation drills.

CHAPTER 248

PENALTIES FOR FAILING TO STOP FOR A SCHOOL BUS

Increases the penalties for failing to stop for a school bus as follows:

1st offense: \$100.00 to \$200.00 fine

2nd offense: Within two years of prior offense, \$300.00 to \$400.00 fine and loss of license to operate for 30 days

3rd offense: Within four years of prior offense, \$500.00 to \$1,000.00 fine and one year loss of license

CHAPTER 683

REGULATING MOTOR VEHICLES TRANSPORTING SCHOOL CHILDREN

Establishes a licensing procedure for drivers of vans transporting eight or less school children. Anyone convicted of rape, driving under or possession of a controlled substance cannot be issued a license.

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TAXATION

CHAPTER 570

ALLOWING CONTRIBUTIONS TO THE NON GAME WILDLIFE FUND

Allows individuals who are not eligible to receive a refund to add an amount, as a contribution to any tax due.

CHAPTER 615

INTEREST ON TAX REFUNDS

Changes the current law so that interest on a tax refund begins occurring after 90 days.

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VETERANS

CHAPTER 99

DESIGNATING THE THIRD FRIDAY IN SEPTEMBER AS POW/MIA DAY

Requires the Governor to issue an annual proclamation setting aside the third Friday in September as POW/MIA Day in solemn remembrance of the courage and plight of America's Prisoners of War, and as an annual

reminder of the 2,441 American service men and the many American civilians who are missing or otherwise unaccounted for in Southeast Asia. Directs the Superintendent of State Buildings to fly the POW/MIA flag on state buildings.

CHAPTER 141

PROVIDING FOR THE ANNUAL OBSERVANCE OF KOREAN WAR VETERANS DAY

Requires the Governor to issue an annual proclamation setting aside July 27th as Korean War Veterans Day.

CHAPTER 399

DIRECTING CITIES AND TOWNS TO DISPLAY THE PRISONER OF WAR AND MISSING IN ACTION FLAG.

Authorizes and directs every city and town to display the prisoner of war and missing in action flag. The Commonwealth shall expend a sum not exceeding ten thousand dollars for the implementation of this act.

CHAPTER 534

VETERAN'S BENEFITS

Extends veterans' benefits to men and women who received campaign medals for service in the recent United States expeditions to Lebanon and Grenada.

CHAPTER 559

ENABLING HOMELESS VETERANS AND THEIR FAMILIES TO RECEIVE BENEFITS

Changes current residency requirement in order to make veterans without an established place of abode eligible for benefits.

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